

HONORABLE ROBERT S. LASNIK

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

In re CTI BIOPHARMA SHAREHOLDER  
DERIVATIVE ACTION

NO. 2:16-cv-00756-RSL

Consolidated with 2:16-cv-01250-RSL

**STIPULATION AND [PROPOSED]  
ORDER OF DISMISSAL WITH  
PREJUDICE**

**STIPULATION**

WHEREAS, the parties (“Federal Settling Parties”) to the above-referenced action entered into a Stipulation of Settlement dated October 24, 2017;

WHEREAS, said Stipulation of Settlement resolved the claims asserted in the above-referenced action as part of a global settlement of derivative claims brought on behalf of the Nominal Defendant CTI Biopharma Corp. that also included two actions brought in the Superior Court of the State of Washington for King County, captioned *Hammond v. Bianco, et al.*, 16-2-05818-3, and *Eley v. Bianco, et al.*, 16-2-14422-5;

WHEREAS, on January 31, 2018, the Superior Court of the State of Washington for King County held a final Fairness Hearing to consider the fairness and adequacy of the Stipulation of Settlement and entered an Order Approving Settlement and Judgment (“Final Order”) on January 31, 2018;

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WHEREAS, the time to appeal from said Final Order has run and no appeal has been filed;

WHEREAS, the Federal Settling Parties and their respective counsel agree that at all times the Federal Settling Parties and their counsel complied with the requirements of Rule 11 of the Federal Rules of Civil Procedure;

WHEREAS, the Federal Settling Parties desire to consummate the final steps of the Stipulation of Settlement by requesting this Court's approval of the dismissal of this action;

IT IS THEREFORE HEREBY STIPULATED AND AGREED,

Pursuant to Fed. R. Civ. P. 41(a)(2), the terms of the Stipulation of Settlement, and the terms of the Final Order, the Federal Settling Parties hereby stipulate to the voluntary dismissal of this action with prejudice, on the merits, based on res-judicata principles, and with each party bearing its own costs, and seek this Court's approval of said dismissal.

Dated this 7<sup>th</sup> day of March, 2018.

Respectfully submitted,

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*Counsel for Defendants and Nominal Defendant*

**- And -**

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***Counsel for Plaintiff Hill***

**ORDER**

Pursuant to the foregoing Stipulation, this action and all claims asserted herein are  
DISMISSED WITH PREJUDICE.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2018.

ROBERT S. LASNIK

UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

All Counsel of Record

I also hereby certify that a copy was mailed by United States Postal Service to the following non-CM/ECF participants.

N/A

s/ *Brendan T. Mangan*

Brendan T. Mangan

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